

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of)
)
POSITIVE ALTERNATIVE RADIO, INC.) BPED-911119MC
New FM, Asheboro, North Carolina)
Seeking: 89.3 MHz, 2.5 kw, 120 M)

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NOV 12 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Mass Media Bureau

OPPOSITION TO INFORMAL OBJECTION

Positive Alternative Radio, Inc. (PAR), applicant for a new educational FM station at Asheboro, North Carolina, through its counsel, now opposes the Informal Objection filed against its application by William R. Burton, Chairman, Student Educational Broadcasting, Inc., Chapel Hill, North Carolina.¹

The principal basis of Mr. Burton's objection is that ". . . examination of the PAR application indicates that interference is likely to be caused to the current facilities of co-channel stations WXYC in Chapel Hill and WSOE in Elon College, North Carolina. . .". No engineering data are supplied to back up this speculation. In its application, PAR has recognized that WXYC, Chapel Hill and WSOE, Elon College operate on the same channel as PAR, and accordingly a directional antenna has been proposed by PAR. Exhibits 3 and 5 of PAR's application specifically tabulate

¹ Although Mr. Burton uses the first person plural pronoun "we" throughout his Informal Objection, there is no indication that he represents anyone other than Student Educational Broadcasting, Inc. Possibly he intended the editorial "we".

the directional antenna pattern, adopted to avoid the likelihood of any interference to WXYC and/or WSOE; and a plat of contours which demonstrate clearance between the 40 and 60 dBu contours for the three stations. In the absence of any technical data refuting the specific showings of PAR in its application, Mr. Burton's objection must be denied.²

Mr. Burton also questions whether PAR is financially qualified. He provides no evidence of any sort relating to PAR's finances and alludes only to "the several stations" in which PAR has an interest. No specific stations are mentioned. Again, this is but speculation and is unsupported by any factual data..

Mr. Burton proposes a mode of friendly cooperation among PAR and the aforementioned educational stations and has suggested

We believe these goals [". . .an efficient and mutually beneficial frequency allocation strategy. . ."] are obtainable, but only if PAR, WXYC, WSOE, and WCPE work together as a unit.

But four lines later, he changes horses in midstream and requests that the PAR Asheboro application "be denied at this time". PAR (and the Commission as well) may be uncertain as to which action he seeks, cooperation or denial.

PAR would be pleased to work with WXYC, WSOE, and WCPE "for the over-all public benefit" in an effort to "give . . .listeners a better quality signal and simultaneously reduce the areas and population which may currently receive overlap" but in all candor,

² Apparently Mr. Burton supplied no technical data because additional technical information would but support the engineering showing presently on file in PAR's application.

PAR has never been informed of any "co-operative frequency coordination efforts. . ." much less invited to join in such efforts.³

Respectfully submitted

**POSITIVE ALTERNATIVE
RADIO, INC.**

By 
Julian P. Freret
Its Counsel

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³ Triad Family Network has on file an application for Channel 207 at Winston-Salem, North Carolina mutually exclusive with the application of PAR. If Mr. Burton or any of the stations mentioned in his Informal Objection have also objected to the Triad application, PAR has not been served a copy. Is there a wee possibility that Triad could have induced Mr. Burton to file his protest against PAR?

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager in the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing OPPOSITION TO INFORMAL OBJECTION were mailed via U. S. Mail, postage prepaid, this 12th day of November, 1992 to the following:

William R. Burton, Chairman
Student Educational Broadcasting, Inc.
WXYC
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UNC
Chapel Hill, NC 27599

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